

# EXHIBIT 18

**Deposition of James Young**

**Pages: 15, 16, 30, 31, 32, 41, 44, 54, 60**

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**Dated: December 23, 2020**

1 inmate.

2 Q. What does that mean module A?

3 A. Module A, somebody you don't have to  
4 yell at, somebody you don't have to redirect  
5 five times to do something, somebody that is  
6 very compliant. He was a model A inmate, the  
7 way you are suppose to be.

8 Q. Did you ever hear anything about what  
9 lead to Mr. Freitag's arrest?

10 A. Not after -- not until after the fact  
11 of the whole incident that happened.

12 Q. So were you aware that Mr. Freitag was  
13 in custody because he attempted to kill  
14 himself?

15 A. No.

16 Q. What did you hear about his case after  
17 the fact?

18 A. After the fact?

19 Q. Yes.

20 A. He seemed like he had mental health  
21 problems, it seemed like he didn't like his  
22 ex-wife, drove his car through the front of her  
23 house. We also seen that he attempted suicide  
24 in the vehicle, and that pretty much lead to

1 his arrest.

2 Q. So it sounds like you learned after the  
3 fact that Mr. Freitag had some mental health  
4 issues; is that right?

5 A. I would say mental health and suicidal  
6 tendencies.

7 Q. You did not know that beforehand; is  
8 that right?

9 A. That is correct.

10 Q. Let's get back to what others could  
11 have done to prevent his death. The first  
12 thing you told me is that Mr. Freitag could  
13 have tried to stay out of jail, right?

14 A. Probably the easiest way for anyone not  
15 to commit suicide in jail is to stay out of  
16 jail.

17 Q. Is there anybody else in the prison who  
18 could have prevented his death?

19 A. I don't think so. Negative, no, I  
20 don't think so.

21 Q. Did you ever hear anyone say that they  
22 could have done something to prevent his death?

23 A. In his personal situation, if anybody  
24 could have helped him that day?

1 Q. It is a general population block,  
2 right?

3 A. Yes, sir.

4 Q. 46 cells, and you used the number  
5 before, each of those are two man cells, right?

6 A. Yes, sir.

7 Q. Max population is 92; is that correct?

8 A. Yes, sir.

9 Q. Back in 2018 did you typically have  
10 full occupancy in that module?

11 A. As far as I remember we were 92 at that  
12 time. I don't know if it was less or more, but  
13 I am pretty sure it was a steady 92.

14 Q. By the way, I intended to say before, I  
15 don't remember whether I asked it, that is a  
16 general population block, right?

17 A. Yes, sir.

18 Q. Would you have all security  
19 classifications or would it be limited to --  
20 limited number of security classification?

21 A. You would be limited to a number of  
22 security classes, but the other securities that  
23 went along with that block were housed on other  
24 blocks so they are PC individuals or touches as

1 they call them, would be on another unit.

2 Q. One of the numbers that you mentioned  
3 were people on watch. At any given time how  
4 many people tended to be on watch on B module  
5 back in August of 2018?

6 A. I would say it could be anywhere from  
7 zero, typically kept it under 10, so zero to  
8 nine.

9 Q. That is something that you would pay  
10 attention to, from the moment you got in at the  
11 start of the shift, right?

12 A. Sure.

13 Q. You were explaining to me how the shift  
14 would start. Tell me what does the rest of the  
15 shift look like?

16 A. Eventually we would open them, we would  
17 run them to chow, come back from chow, close  
18 the dayroom down until they got done with their  
19 cleaning and stuff like that, and then just  
20 normal duties, 9 o'clock one tier would come  
21 out for yard till 11, 11 o'clock everybody  
22 would come out, 12:30 was count, 1 o'clock the  
23 other tier would come out from 1 to 3.

24 Q. How many officers were typically

1 assigned to the B module at a time?

2 A. Two.

3 Q. Was there someone who you normally  
4 would partner with or would there be an SA who  
5 would come in and rotate?

6 A. On that specific day or just any given  
7 day?

8 Q. Yeah, so what I am really asking, sir,  
9 back in August of 2018 was there a standard  
10 rotation where you and a partner were always  
11 assigned together to B module?

12 A. Yes.

13 Q. Who was that?

14 A. There was two of them.

15 Q. Who were they?

16 A. One was Alex Perez, and the other one  
17 was Jesse Rodriguez, but he was the one who  
18 called out that Saturday.

19 Q. Who, Rodriguez?

20 A. Yes, sir.

21 Q. So if Rodriguez called out that left  
22 you with Officer Moody; is that right?

23 A. Yes.

24 Q. Had you worked with Officer Moody

1     you go home.

2     Q.           I take it you are aware that there are  
3     rules which require you to take certain action  
4     with regard to suicide precautions?

5     A.           There is rules I would imagine, sure,  
6     there is rules.

7     Q.           Okay. Are you familiar with the  
8     different levels of suicide precautions that  
9     are used at the prison?

10    A.           Negative.

11    Q.           You don't know anything about the  
12    different levels?

13    A.           Majority of the time on Bravo we never  
14    had anyone on a suicide watch. Suicide watch  
15    in this jail is normally the restricted housing  
16    unit, the mental health unit, and other  
17    designated units have another inmate watch  
18    another inmate.

19                Bravo is normally a GP block, whether  
20    it is a bunch of gang bangers, drug dealers,  
21    people like that. They normally don't house  
22    anybody other than that. They don't put  
23    touches down there, they just put the regular  
24    GP in each cell.



1 see level 3?

2 A. Yes.

3 Q. Do me a favor, just read to yourself  
4 from that whole description of level 3, when  
5 you are finished I will ask you some questions.

6 A. Okay.

7 Q. Does this -- first of all, is this news  
8 to you or were you aware of what is required  
9 here for level 3?

10 A. No, I just don't know what the numbers  
11 are.

12 Q. So have you ever heard level 3 referred  
13 to as regular watch?

14 A. Yeah, it is the regular watch.

15 Q. So your understanding then is that  
16 under regular watch next to B, I am going to  
17 highlight this, the inmate monitor is required  
18 to observe the person's activities every 15  
19 minutes, right?

20 A. Sure.

21 Q. They log them on the monitor forms; is  
22 that right?

23 A. That is what they are suppose to do.

24 Q. Let me stop there. You say they are

1 make decisions to what level of watch is  
2 appropriate, right?

3 A. Sure.

4 Q. When a mental health provider or case  
5 manager says this person is on regular watch,  
6 your job is to implement that watch to the best  
7 of your ability; is that right?

8 A. Yes.

9 Q. Now, back to Exhibit 7. Do you see it  
10 in front of you, sir?

11 A. Yes.

12 Q. Going down to page 5. Before I get  
13 there, this section of the policy, if you want  
14 to read more, tell me, inmate monitor forms.  
15 Do you see here next to the letter E is the  
16 module officer's responsibility to assure that  
17 inmate monitors are using IMF's correctly. Do  
18 you see that, sir?

19 A. Yes.

20 Q. Are you aware under this policy that it  
21 is your responsibility to do so?

22 A. Yes.

23 Q. Officer, do you agree?

24 A. Sure, yes.

1     that right?

2     A.           That's correct.

3     Q.           My understanding is that he was on the  
4     B module for probably a couple of months before  
5     his death. During that time do you remember  
6     him being on regular watch at other times?

7     A.           I believe he was on regular watch at  
8     other times.

9     Q.           If he was on a more intensive watch,  
10    level 2 or level 1, would that have taken place  
11    on the B module?

12    A.           Negative, he would have went to either  
13    E or G.

14    Q.           I think you told me before that B  
15    module cannot house people on that level of  
16    precautions; is that correct?

17    A.           Correct.

18    Q.           Did you ever hear any discussion about  
19    Mr. Freitag's mental health issues prior to  
20    August 25th?

21    A.           Negative.

22    Q.           Did you ever hear Mr. Freitag talking  
23    about the fact that he was nervous about his  
24    sentencing?